

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING - DECEMBER 2, 2009 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present with the exception of Councilor Simmons. Also present was Ms. Karen Mahalick A.I.C.P. Administrator, Ms. Estefanie Muller Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda as presented. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. The motion carried.

4. APPROVAL OF CONSENT AGENDA.

A. Regular Council Meeting Minutes of November 18, 2009.

B. Regular Planning & Zoning Commission Meeting Minutes of November 16, 2009.

MOTION: Councilor Abrams made a motion to approve the Consent Agenda. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

5. MATTERS FROM THE MAYOR.

A. PRC Meeting Update.

Mayor Stearley discussed the meeting he attended with Ms. Mahalick, Councilor Simmons and members of the PRC staff regarding the NM American Water rate case. He added they were making an effort to reduce the proposed increase as much as possible and that they would negotiate the settlement on December 14, 2009 as opposed to a hearing.

Ms. Mahalick reported on the discussion she had with Mr. David Henderson regarding the concept of developers fully paying for their required water rights so the rate payer is not forced to do so. She added the Town may need to implement this as a matter of Development Review in the Zoning Ordinance.

B. Capital Outlay Projects with Congressman Lujan Update

Mayor Stearley reviewed this item for the Council discussing some of the proposed projects including a new Library and that he would forward the information provided by Congressman Lujan's staff to the Council.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

A. Discussion for a Renewable Energy District – Councilor Abrams.

Councilor Abrams discussed two Bills that had been passed by the Legislature and signed by Governor Richardson allowing special assessments of renewable energy sources. He presented a draft Resolution that the Town could pass, asked the Council to review this draft and then place it on the Agenda for the next Council meeting. He also explained how this program would work for homeowners and stated the County administers the program entirely.

Councilor Hill stated this had been successful in other communities and is in favor of moving this along as quickly as possible.

7. MATTERS FROM THE ATTORNEY.

A. Boundary Commission Decision.

Mr. Rael discussed the options for the Councilors regarding an appeal or new request and the costs involved. **At this time Councilor Simmons was present.**

Councilor Hill pointed out that if the Council appeals the decision they lose the opportunity to revisit the areas proposed for annexation.

Mayor Stearley stated he would prefer to revisit the boundaries rather than going to court.

Councilor Abrams asked when the Census results would be available.

Ms. Mahalick responded they would be supposed to be available in April 2010.

At this time the Council debated the two options presented by Mr. Rael including the costs, schedule, and ability to service the areas in question.

Mayor Stearley confirmed the Council had approved eight officers for the police force.

Councilor Hill stated the Council had made a good faith effort and should follow through with the appeal and not change course.

Councilor Felton stated he had been told by the citizens of the proposed areas were unreceptive because of one issue, that of property taxes. He added that there seemed to be some misunderstanding because they were not aware they would actually vote on property taxes and that it was not a given.

Councilor Abrams asked if the Council had approved a moratorium on annexation petition fees in the past and that now there are no fees for voluntary petition.

Ms. Mahalick confirmed this moratorium was still in place, there are no fees for annexation petition at this time.

Councilor Felton stated “I was a part of the Town of Edgewood for about year and a half before I knew I was. I was annexed, and still don’t know by whose petition or how and when I discovered I was part of the Town I decided, maybe I should check out what’s going on and see if I can get involved, and make it better. I really think this Town gets better every year and we are doing ok”. So I would just like to reassure people who are so opposed to it that maybe, they open their eyes, take a look around and this is not the same thing they feared in 1999. I think it is developing in a way that is good for all of us.

Councilor Simmons suggested charting police and animal control calls to the unincorporated areas and making the results public.

Ms. Mahalick stated this was already taking place.

Councilor Felton stated he did not feel presenting this type of data would convince people that they should consider becoming a part of the Town.

MOTION: Councilor Felton made a motion to request Mr. Rael move forward with an appeal of the Boundary Commissions decision and finish the process we started.
Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Councilor Hill suggested it may be good for the Council to publish a letter to the public via local newspapers regarding the reasons behind the Council decision to pursue the in-fill annexation. He added the public safety issue was the reason and it was the responsible thing to do.

Mayor Stearley stated he would request Ms. Mahalick to draft this letter for his signature.

Council agreed they would review the letter prior to publishing.

B. Brownstein/Hyatt/Farber/Schreck Letter of Agreement for Bond Counsel.

Mr. Rael reviewed this item for the Council provided credentials for Mr. Bucholtz and asked for the Councils approval to enter into this agreement.

MOTION: Councilor Hill made a motion to approve the Letter of Agreement for Bond Counsel with Brownstein/Hyatt/Farber/Schreck. Councilor Simmons seconded for discussion.

Councilor Simmons requested an estimate of the fess.

Mr. Rael responded this was included in the letter he presented to the Council and he reviewed the costs if the Bond were to pass, approximately \$20,000 within the bond and \$2,000 if bond fails.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

8. MATTERS FROM THE MUNICIPAL JUDGE.

A. Judge White will present his report for the month of November, 2009.

Judge White presented his report for the Council. He commended the work of Ms. Gunderson who works for Mr. Rael's office stating that she is a good fit for the Town and her demeanor in the Courtroom allows him to do a better job. He also praised the Mayor and Ms. Mahalick for the steady administrative improvement and leadership.

9. MATTERS FROM THE ADMINISTRATOR/PLANNER.

A. Section 16:

a. Water Supply.

Ms. Mahalick reviewed this item for the Council including the findings of the group tasked with the issue of water for Section 16. She stated there are enough funds to complete the field as designed and if the Council decides to make changes to the contract it could jeopardize the grant.

At this time the Council entered into discussions regarding the long term implications of the various options for water as well as long term planning for the community.

Councilor Felton discussed use fees for the fields and asked if this avenue had been explored.

Ms. Mahalick stated nothing had been confirmed at this point but it had been discussed.

MOTION: Councilor Simmons made a motion to proceed with Thunder Mountain as the water provider for Section 16. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

b. Design of Soccer Fields.

Councilor Hill suggested the Council explore the costs for subterranean irrigation as opposed to aeration. He clarified he was looking for a ballpark on the costs and water savings.

Ms. Mahalick stated she could provide this for the Council at a later date.

Council and staff discussed the costs of maintenance of the fields.

B. Update on Wastewater Project.

Ms. Mahalick reviewed this item for the Council stating it was progressing smoothly and was on schedule to be tapped into by the end of the year.

C. Approval of Wastewater Hook-Up Fees and Rates.

Ms. Mahalick reviewed this item for the Council and asked for some direction so she may bring the Ordinance forward.

Mayor Stearley stated these rates are comparable to New Mexico communities of comparable size and encouraged the Council to approve the rates as presented.

MOTION: Councilor Hill made a motion to approve the Wastewater Hook-Up Fees and Rates as proposed. Councilor Felton seconded for discussion.

Councilor Hill stated this is an investment in economic development and it is a cost to the Town at this point and hopefully will not be in the future. He asked that the Council keep in mind the option of wastewater tax if necessary.

Councilor Simmons stated the increases in rates need to be smooth and in small increments.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

Ms. Mahalick stated she would bring the Ordinance back to the Council for review and then schedule a public hearing.

D. Approval to extend Financial Agreement with RBC Capital Markets,
Mr. Paul Cassidy.

Ms. Mahalick reviewed this item for the Council stating the agreement had expired but was extendable to 2011.

MOTION: Councilor Simmons made a motion to approve the Financial Agreement Extension with RBC Capital Markets, Mr. Paul Cassidy. Councilor Hill seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

E. Approval of Job Descriptions for Town Administrator, Clerk-Treasurer, and Police Chief as per Council Minutes of July 1, 2009.

Ms. Mahalick reviewed this item for the Council and discussed the changes that had been made per the Council's request.

MOTION: Councilor Felton made a motion to approve the job descriptions as presented. Councilor Hill seconded for discussion.

Councilor Hill stated he would like to see Ms. Mahalick relieved of the Planning & Zoning duties as much as possible, as quickly as possible so she may function fully in the Administrative capacity and they need to review the budget for this.

Councilor Simmons stated she agreed with Councilor Hill.

Ms. Mahalick stated for the record that she was certified A.I.C.P. planner.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

F. Appointment of Town Administrator.

Mayor Stearley asked for the approval of Ms. Mahalick to the position of Town Administrator and he read into the record a letter written by Ms. Muller and signed by the Town staff.

Mr. Rael echoed the Mayor and staffs sentiments.

MOTION: Councilor Hill made a motion to approve Ms. Karen Mahalick to the position of Town Administrator. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

G. Approval of Town Organizational Chart.

MOTION: Councilor Hill made a motion to approve the Town Organizational Chart with one change to the portion stating Mayor, Council be changed to Governing Body for consistency. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

10. PUBLIC COMMENTS. Limit 2 minutes per person.

Mr. Chuck Ring offered praise for Ms. Mahalick.

11. RESOLUTIONS.

A. Resolution No. 2009-44 – Municipal Bond Resolution.

Ms. Mahalick reviewed this item for the council and discussed the language for the Resolution and requested some feedback.

MOTION: Councilor Hill made a motion to approve the language for the Municipal Bond Resolution No. 2009-44. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

B. Resolution No. 2009-45 - Election Resolution for March 2010 Municipal Election.

Ms. Mahalick reviewed this item for the Council.

MOTION: Councilor Abrams made a motion to approve Resolution No. 2009-45 including the language for the Bonds. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

12. ANNOUNCEMENTS & CALENDAR REVIEW.

- A. Regular Council Meeting - December 16, 2009.
- B. Regular Council Meeting – January 6, 2010.

13. FUTURE AGENDA ITEMS.

- A. Public Hearing – Amendment to Town of Edgewood Personnel Ordinance No. 2003-5, Probationary Period for Certified Police Officers.
- B. Adoption of the Open Meetings Resolution for 2010.
- C. Adoption of Employee Holiday Schedule for 2010.
- D. Appointment of Planning & Zoning Commissioners.
- E. Approval of Hiring Committee for Police Officer Interviews.
- F. Award of Bid for Wastewater Operator.
- G. Campbell Ranch Appeal – (January 6, 2010).

Mayor Stearley reviewed these items for the Council.

Ms. Mahalick stated the Campbell Appeal would be on the January 20, 2010 Agenda not January 6, 2010 as per a request she received.

Councilor Hill congratulated Ms. Muller for the completion of her third year of training for Clerk-Treasurer.

14. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn. All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 8:30 P.M.

PASSED, APPROVED and ADOPTED this 16th day of December, 2009

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer